

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

CHRISTOPHER SHEPLER,

Petitioner,  
v.

JUDY SMITH,

Respondent.

ORDER

Case No. 17-cv-38-wmc

---

Pro se petitioner Christopher Shepler, a prisoner in the custody of the Wisconsin Department of Corrections at the Oshkosh Correctional Institution, filed this 28 U.S.C. § 2254 petition for a writ of habeas corpus on January 17, 2017. On April 27, 2018, Magistrate Judge Stephen Crocker entered an order directing Shepler to supplement his petition with facts showing that he can satisfy the miscarriage of justice exception to the procedural default rule, and warning Shepler that if he failed to do so, the court would likely dismiss his petition. (Dkt. #2.) Judge Crocker gave Shepler until May 25, 2018, to file his supplement.

That deadline has passed, but Shepler has not filed a supplement to his petition or a motion for an extension of time. As a result, the court will dismiss the petition with prejudice. *Hill v. United States*, 762 F.3d 589, 591 (7th Cir. 2014) (“[D]ismissal for failure to prosecute is presumptively with prejudice.”).

ORDER

IT IS ORDERED that:

1. Pursuant to Federal Rule of Civil Procedure 41(b), this case is dismissed with prejudice for petitioner Christopher Shepler’s failure to prosecute it.

2. The clerk of court is directed to enter judgment and close this case.

Entered this 17th day of September, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY  
District Judge